

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CONSOLIDATED INDUSTRIES, LLC
D/B/A WEATHER KING PORTABLE
BUILDINGS,**

PLAINTIFF

VS.

Civil Action No. 1:22-cv-01230-STA-jay

**JESSE A. MAUPIN, BARRY D.
HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L.
GILLESPIE, RYAN E. BROWN, DANIEL
J. HERSHBERGER, BRIAN L. LASSEN,
ALEYNA LASSEN, AND AMERICAN
BARN CO., LLC,**

DEFENDANTS

**PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Plaintiff Consolidated Industries, LLC d/b/a Weather King Portable Buildings ("Weather King" or "Plaintiff"), by and through its counsel of record, and pursuant to Federal Rule of Civil Procedure 34, responds to Defendants' First Set of Requests for Production of Documents as follows:

DOCUMENT REQUESTS

1. All documents relating to the "serious harm that Defendants have caused through their unlawful actions." Complaint, Preliminary Statement.

RESPONSE: Responsive documents will be produced under applicable protections of the Agreed Protective Order [66] as necessary.

2. All documents relating to the Weather King's alleged trade secrets. Complaint, ¶26, 61.

RESPONSE: Weather King objects to this request as vague in that "documents relating to" Weather King's trade secrets is unclear. Weather King objects to this request as beyond the scope of discovery

in that it seeks disclosure of all of Weather King's trade secrets, not just the ones at issue or even potentially at issue in this action. Further, the term "related to" is overly broad. Subject to and without waiving this objection, responsive documents evidencing the trade secrets known to be misappropriated by Defendants will be produced under the "Attorneys Eyes Only" protections of the Agreed Protective Order [66].

3. All documents relating to Defendants' "elaborate smear campaign." Complaint, ¶34.

RESPONSE: Responsive documents will be produced.

4. All documents relating to Defendants' "admission of deliberate malice." Complaint, ¶42.

RESPONSE: Because this statement was oral, no responsive documents are known at this time to exist.

5. All documents relating to American Barn's "significant financial damages." Complaint, ¶44.

RESPONSE: Responsive documents will be produced under applicable protections of the Agreed Protective Order [66] as necessary.

6. All documents relating to Weather King's "devastating reduction in sales." Complaint ¶46.

RESPONSE: Responsive documents will be produced under applicable protections of the Agreed Protective Order [66] as necessary.

7. All documents related to instances in which Defendants took Weather King's template contracts. Complaint, ¶54.

RESPONSE: Responsive documents will be produced.

8. All documents related to any false or defamatory statements made by Defendants about Weather King. Complaint, ¶84.

RESPONSE: Responsive documents will be produced in addition to responsive documents that have previously been produced by Buttrey and Kowalzyk.

9. All documents that establish how frequently pay raises are offered to employees of Weather King.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

10. All termination papers provided to Defendants.

RESPONSE: None.

11. All documents related to any purchases by ABCO of sales lots from Weather King.

RESPONSE: No such documents exist as Weather King did not own any sales lots and so none were purchased by ABCO.

12. All documents relating to any negative comments made by Weather King employees to any Plant Manufacturers that are now with ABCO.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

13. All documents relating to any PPP monies received by Weather King from the government.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

14. All documents relating to any derogatory comments made by Weather King employees about Barry Harrell.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

15. All documents relating to any derogatory comments made to dealers by Weather King employees about Jesse Maupin.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

16. All documents relating to any negative comments made by Tim Boyd to any dealers or drivers in the Arizona market about ABCO.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

17. All documents related to ABCO delivering buildings for Weather King after Defendants were terminated.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

18. All documents relating to ABCO picking up payoffs for Weather King for account balances owed after delivery.

RESPONSE: Weather King objects to this request as beyond the scope of discovery in that it is not relevant to any asserted claim or defense and not proportional to the needs of the case.

BUTLER SNOW LLP

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CERTIFICATE OF SERVICE

I hereby certify that on April 27th, 2023, I electronically served a true and correct copy of the foregoing document to Defendants' counsel via email.

/s/ John H. Dollarhide

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